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**United States District Court for the Western  
5 District of Washington (Seattle)**  
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11 **UNITED STATES OF AMERICA**  
12 Plaintiff  
13 vs.  
14 **Gregory Tift**  
15 Defendant

**CASE: 2:20-cr-00168 JCC**

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**Defendants supporting brief of  
Attorney Robert Goldsmith leave of  
court to withdrawal.**

Noted for December 17, 2021, before  
Michelle Peterson. Without oral argument

**COMES NOW: GREGORY TIFT** by way of self-representation and joins the motion  
to withdraw submitted by Robert Goldsmith standby counsel, Court Docket 39.

On December 2, 2021, defendant's motion to appear pro se was granted, with Robert  
Goldsmith assigned standby counsel. Stated in the order Mr. Goldsmith agreed on the record  
that, if assigned to the standby counsel role, he would not interfere with Mr. Tift's handling of  
the case or provide unsolicited advice. *See* dkt # 37 at 4 n. 1-4. Standby counsel has made  
interference with Defendant. If the court requires more discussion parties can disclosed this in  
camera as not to compromise the standby attorney client privilege or embarrassment.

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1 Mr. Goldsmith is asking for leave of court to withdraw at defendant's request. Defendant is  
 2 injecting himself into this Motion of Goldsmith withdrawal for clarification and to [firmly]  
 3 state he agrees with the withdrawal and freely assents to his termination as standby.

4 **BACKGROUND /DISSCUSSION**

5 On December 6 2021 Attorney Robert Goldsmith herein referred to as standby filed a thread  
 6 bare motion with the court for an order to withdraw. The motion references at Mr. Tift's  
 7 explicit request I am moving to withdraw. The defendant "Tift" since December 2 2021, has  
 8 been self-represented in that short timeframe "Tift" has become aware that even a standby  
 9 counsel becomes an ineffective assistance to defendant even if ordered to remain on as an  
 10 understudy. Defendant and Standby are in stark contrast along with contention surfacing with  
 11 passive aggressive remarks by standby<sup>1</sup>.

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17 <sup>1</sup>Defendant has learned in the past and current that Standby has failed to make a reasonable effort to  
 establish a relationship of trust and confidence with defendant *see dkt. # 30 Transcript id.at P,5 2-13*  
 18 ref discovery deficiencies. Defendant counsel "Standby" was not effective pretrial assistance.  
 Defendant has communicated with AUSA Casey Conzatti the parties agree to a much-needed discovery  
 19 conference and discussion of a continuance. Defendant faces a dilemma of chasing down his discovery  
 from his previous attorney creating a prejudice to his defense this is counterproductive to the case.  
 20 Tift's puzzling view as a lay person and while conducting interviews with criminal attorneys is that  
 21 97% of Criminal attorneys attempt to negotiate defendants [into prison] (*Plea agreements*). An accused  
 most powerful defense is the safeguards created by the US Constitution as well as, *Brady v. Maryland*  
 22 and its progeny to disclose exculpatory materials and information. Defendant has always maintained the  
 supplied discovery was incomplete. The AUSA has no easy job here to prosecute a case. The USA,  
 23 AUSA, "Casey Conzatti" has been courteous, professional, and transparent to ensure defendant will  
 receive all relevant discovery to prepare for trial. The CJA also has given defendant access to what is  
 24 available funding and the interworking's of achieving the usefulness of CJA funds, pursuant to this  
 knowledge defendant is assembling his legal team. With every hour defendant confidence rises,  
 25 defendant prior statement as to overwhelming is diminished. Dkt # 34 at 5. As stated by defendant on  
 the record during the December 1<sup>st</sup>, 2021, *Faretta* hearing a self-represented party must first prove  
 26 himself worthy before the court to appear pro se even if it is his constitutional right. Defendant, request  
 the court not apply an unconscious basis on defendant Tift's ability to defend as a basis to deny standby  
 27 withdrawal. Ref <https://implicit.harvard.edu/implicit/takeatest.html>.

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1 On December 3 2021, Tift ask standby pursuant to what he applied as standby participation for  
2 a solicited opinion. Standby replied<sup>2</sup> and cited United States v. Salerno, 81 F.3d 1453, 1456  
3 n.2 (9th Cir. 1996). A review of that case has brought to light some more basis as to the  
4 ineffectiveness of a standby counsel or advisory. Set forth below is the circuit opinion.

5 **ALARCON, Circuit Judge:**

6 This appeal presents a novel question: Does section 3006A of the Criminal Justice Act require a district  
7 court to compensate an attorney who serves solely as an advisor at the request of an indigent defendant who  
8 has asserted his or her right to self-representation? We conclude that section 3006A does not authorize a  
9 district court to compensate an attorney whose service as a legal advisor is requested by the defendant.

10 The above case sited begs the question as to compensation pursuant to Section 3006 of the CJA.

11 The case status is defendant is in full preparation for trial, with all the same funding resources,  
12 along with the knowledge to tap those funds to include Circuit expert presumptive and service  
13 provider hourly rates. The CJA local office also has provided defendant a list of investigators,  
14 defendant is in the process of vetting those investigators, as well as forensic chemist and a jury  
15 consultant. Defendant understands Evidence Rule 901expert testimony evidence can be used at  
16 trial. There is no set of circumstances that the court can apply that will predict the outcome of  
17 defendants pro se representation and the effectiveness of the standby counsel involvement, this  
18 would require the court to possess a crystal ball. Mr. Goldsmith has not made the distinction of  
19 standby as demonstrated on his signature page *see dkt. # 39 p 1 and again p 2., Attorney for*  
20 *defendant*

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22  
23 2 "What is more, identifying issues, research and writing are what lawyers do. So do it yourself, counsel."

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1 Mr. Goldsmith mere presence appearing on the case summary page, creates a pushback from  
2 cooperation of experts and pretrial release of essential information that may aid defendant's  
3 defense. His exit will create no prejudice or delay where later his involvement does.  
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## 6 ISSUE BEFORE THE COURT 7

8 Should standby counsel be allowed to withdraw without compromising the defendants defense? Or  
9 create any unnecessary delay in the case? Should defendant be forced into ineffective, adverse  
10 effects cause by standby?

## 11 12 LEGAL MEMORANDUM 13

14 The self-represented defendant can find little case law as to standby counsel withdrawing once  
15 appointed, the most defining case of standby participation is McKaskle v. Wiggins, 465 U.S. 168  
16 (1984). Defendant therefore at the court's discretion has cited what he believes is a supporting legal  
17 authority to assist in a lawful decision to allow standby to withdraw, (*Standby, Counsel and*  
18 *advisory counsel are use here in interchangeably*). The local Court rule of CrR 5g (4) refers  
19  
20 Withdraw of Attorneys to Local Civil Rule LCR 83.2(b) Withdrawal of Attorneys (1) No attorney  
21 shall withdraw an appearance in any case, civil or criminal, except by leave of court, unless the  
22 withdrawal complies with the requirements of subsections (b)(2) or (b)(3). Leave shall be obtained  
23 by filing a motion or a stipulation and proposed order for withdrawal or, if appropriate in a criminal  
24 case, by complying with the requirement of CrR 5(g).

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1 A motion for withdrawal shall be noted in accordance with LCR 7(d)(3) or CrR 12(b) (criminal  
 2 cases). A Decision of this court should be made within the context of a potentially adverse impact  
 3 on the Defendant, in the present case their may be a competing interest here as standby has  
 4 demonstrated, pride, bias and resentment behavior having more of adverse effect to defendant.  
 5

6 There has been a breakdown in the attorney-client relationship. Specifically... It is within the  
 7 defendant's right to seek counsel of their choice. See Bland v. California Dep't of Corrections, 20  
 8 F.3d 1469, 1474-75 (9th Cir. 1994) (holding the defendant has a constitutional right to be  
 9 represented by an attorney-client relationship devoid of conflict). Like in Bland, the motion is  
 10 timely, as it is before trial. See id. at 1475. Here in, the defendant will not be prejudiced if  
 11

12 **Standby, Attorney, Advisory** withdraws, as there is a plenty of time to retain new standby  
 13 counsel. See generally Henderson v. Duncan, 779 F.2d 1421, 1424–25 (9th Circuit 1986) (stating  
 14 that non-delay is a factor in determining that there is no prejudice). Defendant has been empowered  
 15 under his constitutional right to appear pro se, self-represented along with the court's approval Dkt.  
 16 # 37 Nonetheless, prejudice need not be shown when the constitutional right to representation is at  
 17 play. See Crandell v. Bunnell, 144 F.3d 1213, 1215 (9th Cir. 1998) (no prejudice need be shown in  
 18 a motion to substitute counsel.) in Tift's case defendant is in fact a substitute counsel.  
 19

## 22 CONCLUSION

23 As demonstrated by this supporting brief and taking into consideration the totality of circumstance  
 24 and applying adequate cause, Withdrawal of Mr. Goldsmith as standby counsel should be granted,  
 25 wherefor that defendant may seek replacement if determine.  
 26

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1 There is no prejudice to any party by standby departure and no unnecessary delay.

2 The defendant continues to demonstrate his working knowledge of courts while appearing pro se.

3 Respectfully

4 Dated this December 13, 2021

5 s/Gregory S. Tift

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10 **CERTIFICATE OF SERVICE**

11 I hereby certify that on the 13 day of December 2021, I electronically filed the foregoing with  
12 the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent  
13 electronically to the Assistant U.S. Attorney, counsel of record for the Government and any  
14 other party requiring notice.  
15

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20 ATTORNEY TO BE NOTICED  
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